

IN RE: PETITION FOR VARIANCE \* BEFORE THE  
S/S Cuckold Point Road, 115' \* DEPUTY ZONING COMMISSIONER  
E of the c/l of Third Street \* OF BALTIMORE COUNTY  
(9121 Cuckold Point Road) \* Case No. 94-153-A  
15th Election District  
5th Councilmanic District  
Peter P. Golaboski, et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, Peter P. and Anna H. Golaboski, and the Contract Purchasers, Wayne G. and Lynn I. Kimmel. The Petitioners request relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Peter P. Golaboski, property owner, and Joseph V. Beall on behalf of the Contract Purchasers. There were no Protestants.

Testimony indicated that the subject property, known as 9121 Cuckold Point Road, consists of 7,850 sq.ft. more or less, zoned D.R. 5.5 and is currently unimproved. Said property is located within the Chesapeake Bay Critical Areas on Cuckold Cove. The Petitioners have entered into a contract to sell the subject property to the Contract Purchasers who are desirous of developing the property with a single family dwelling. Mr. Golaboski testified that he has owned the subject property and resided on the adjoining property, known as 9117 Cuckold Point Road, for the past 41 years. Testimony indicated that Mr. Golaboski wishes to sell the subject property to raise additional money for his retirement years. Further

testimony indicated that the relief requested is necessitated by the fact that this property, also known as Lot 520 of Swan Point, is located within an older subdivision which was laid out with mainly 50-foot wide lots. No one appeared in opposition to the Petitioners' request and there were no adverse comments submitted by any of the reviewing agencies of Baltimore County. However, as noted above, this property is located within the Chesapeake Bay Critical Areas and as such, is subject to compliance with Critical Areas legislation. By comments dated October 19, 1993, the Department of Environmental Protection and Resource Management (DEPRM) advised this Office that an extension of time was needed for their review of the proposed development. Therefore, the granting of this relief shall be contingent upon Petitioners' compliance with any recommendations made by DEPRM upon completion of their review of this proposal.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. Further, the architectural drawings submitted indicate that the proposed dwelling will be constructed in conformance with the character of other homes in this community and will serve to increase the value of surrounding properties. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17<sup>th</sup> day of November, 1993 that the Petition for Variance requesting relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order;

however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this order has expired. If, for whatever reason, this order is reversed, the relief granted herein shall be rescinded.

2) The relief granted herein is contingent upon Petitioners' compliance with any recommendations made by DEPRM upon completion of their review of this project.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this order.

Timothy M. Kotrood  
Deputy Zoning Commissioner  
for Baltimore County

TWK:bjs

ORDER RECEIVED FOR FILING

Date 11/17/93  
By [Signature]

ORDER RECEIVED FOR FILING

Date 11/17/93  
By [Signature]

ORDER RECEIVED FOR FILING

Date 11/17/93  
By [Signature]

ORDER RECEIVED FOR FILING

Date 11/17/93  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

November 17, 1993

Mr. & Mrs. Peter P. Golaboski  
9117 Cuckold Point Road  
Edgemere, Maryland 21219

RE: PETITION FOR VARIANCE  
S/S Cuckold Point Road, 115' E of the c/l of Third Street  
(9121 Cuckold Point Road)  
15th Election District - 5th Councilmanic District  
Peter P. Golaboski, et ux - Petitioners  
Case No. 94-153-A

Dear Mr. Golaboski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

[Signature]

TIMOTHY M. KOTROOD  
Deputy Zoning Commissioner  
for Baltimore County

TWK:bjs

cc: Mr. & Mrs. Wayne G. Kimmel  
46 Northwood Drive, Timonium, Md. 21093

Mr. Joseph V. Beall  
3211 Hess Road, Monkton, Md. 21111

Chesapeake Bay Critical Areas Commission  
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel; [initials]



Petition for Variance  
to the Zoning Commissioner of Baltimore County

for the property located at 9121 Cuckold Point Rd. Edgemere MD  
94-153-A which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1802.3.C.1 - To permit a front width of 50 ft. in lieu of the required 55 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

50' LOT IS WHAT IS AVAILABLE AND IS CONSISTENT WITH OTHER LOTS IN THE AREA

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser(s):  
Wayne G. Kimmel & Lynn I. Kimmel  
Type or Print Name  
Wayne G. Kimmel / Lynn I. Kimmel  
46 Northwood Drive  
Timonium, MD 21093

Attorney for Petitioner:

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

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(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

When do solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

(Type or Print Name)

Peter P. Golaboski

(Type or Print Name)

Peter P. Golaboski

(Type or Print Name)

Anna H. Golaboski

(Type or Print Name)

Anna H. Golaboski

(Type or Print Name)

9117 Cuckold Point Rd. H-477-1610

Edgemere, MD 21219

City, address and phone number of representative to be appointed.

(Type or Print Name)

JOSEPH V. BEALL

(Type or Print Name)

3211 Hess Rd. 444-0400

Monkton, MD 21111

City, address and phone number of representative to be appointed.

(Type or Print Name)

ESTIMATED LENGTH OF HEARING

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

94-153-A  
ZONING DESCRIPTION FOR LOT 520 SWAN POINT  
(address)  
Election District 15 Councilmanic District 7

Beginning at a point on the SOUTH side of CUCKOLD  
(north, south, east or west)

POINT RD. which is 30 FEET  
(street on which property fronts) (number of feet of right-of-way width)

wide at a distance of 115' EAST of the  
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street: 240 STREET  
(name of street)

which is 30 FEET wide. \*Being Lot # 520,  
(number of feet of right-of-way width)

Block 9, Section # 5 in the subdivision of  
SWAN POINT as recorded in Baltimore County Plat

(name of subdivision)

Book # 9, Folio # 5, containing

7850 SF OR 0.182 AC.  
(square feet and acres)

ITEM # 149

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 1574 Date of Posting 11/17/93  
Posted for 14 days  
Petitioner: Peter P. Golaboski & Anna H. Golaboski  
Location of property: 9121 Cuckold Pt. Rd. - S/S  
Location of Sign: Along 220' long ex. property line - back fence  
Remarks: None  
Posted by: Timothy M. Kotrood Date of return: 11/17/93  
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/21, 1993

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/21, 1993

THE JEFFERSONIAN,

[Signature]  
LEGAL AD. - TOWSON

**Baltimore County Zoning Administration & Development Management**  
111 West Chesapeake Avenue  
Towson, Maryland 21204

**receipt**

Date: 9-30-93  
# 94-153-A  
# 9121 CUCKOLD POINT RD

Account: R-001-4190  
Number: 149  
R.T.

NO - VARIANCE - \$ 50.00  
CSO - SIGN - \$ 35.00  
TOTAL - \$ 85.00

Please Make Checks Payable To: Baltimore County Zoning Administration & Development Management

**Baltimore County Government**  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

**94-153-A** (410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

*Arnold Jablon*  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:  
Item No.: 149  
Petitioner: GOLABOSKI  
Location: 9121 CUCKOLD PT. RD. EDMERE MD  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: Joseph V. Beall  
ADDRESS: 7511 S. 2000 RD.  
PHONE NUMBER: 410-261-0400

AJ:ggg (Revised 04/09/93)

**Baltimore County Government**  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

**94-153-A** (410) 887-3353

OCTOBER 13, 1993

**NOTICE OF HEARING**

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, has set a public hearing on the following application for a zoning change:

Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-153-A (Item 149)  
9121 Cuckold Point Road  
S/2 Cuckold Point Road, 115' E from centerline of Third Street  
15th Election District - 5th Councilmanic  
Petitioner/Legal Owner: Peter P. Golaboski and Anna H. Golaboski  
Petitioner/Contract Purchaser: Wayne G. Kimmel and Lynda I. Kimmel  
HEARING: FRIDAY, NOVEMBER 12, 1993 at 11:30 a.m. in Room 106, County Office Building.

Variance to permit a front width of 50 feet in lieu of the required 55 feet.

*Arnold Jablon*  
Arnold Jablon  
Director

cc: Peter and Anna Golaboski  
Wayne and Lynda Kimmel  
Joseph V. Beall

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

**INTER-OFFICE CORRESPONDENCE**  
RECOMMENDATION FORM

**94-153-A** ITEM # 149

TO: Director, Office of Planning and Zoning  
Attn: Ervin McClure  
County Office Bldg, Rm 406  
401 Bowley Av  
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: Underzoned Lots  
Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to the office's approval of a dwelling permit.

RECOMMENDATION: **LOT #520**

APPLICANT SUPPLIED INFORMATION: **Wayne G. & Lynda I. Kimmel, 40 Northwood Dr, Timonium, MD 21152, 212-2242**

Let Address: **9121 Cuckold Point Rd, Edgemere, MD 21224** Council District: **15** Council District: **7** Square Feet: **15,000**

Let Location: **815 W / 14th / corner of** Next Area: **815 W corner of**

Lead Owner: **Peter P. & Anna H. Golaboski** Tax Assessed: **15-07 470782**

Address: **9117 Cuckold Point Rd, Edgemere, MD 21224** Telephone Number: **410-477-1610**

CHECKLIST OF MATERIALS: (To be submitted for design review by the Office of Planning and Zoning)

1. This Recommendation Form	YES	NO
2. Permit Application	YES	NO
3. Site Plan	YES	NO
4. Building Elevation Drawings	YES	NO
5. Photographs (corner view or photos showing surrounding landscape)	YES	NO

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY

RECOMMENDATION/COMMENTS:

☐ Approved ☐ Disapproved ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed By: \_\_\_\_\_  
For the Director, Office of Planning & Zoning

**SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING**  
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2  
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted for filing by Reg. Tanguilig on 9-30-93 Date (A)

A sign indicating the proposed Building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

\*SUGGESTED POSTING DATE 10-12-93 D (15 Days Before C)

DATE POSTED \_\_\_\_\_

HEARING REQUESTED-YES \_\_\_\_\_ NO \_\_\_\_\_ DATE \_\_\_\_\_

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 10-27-93 C (B-3 Work Days)

TENTATIVE DECISION DATE 11-1-93 B (A + 10 Days)

\*Usually within 15 days of filing

CERTIFICATE OF POSTING

District \_\_\_\_\_

Location of property: \_\_\_\_\_

Posted by: \_\_\_\_\_ Signature \_\_\_\_\_ Date of Posting: \_\_\_\_\_

Number of Signs: \_\_\_\_\_

CK/UNDER LOT (TANGULIG)

**Baltimore County Government**  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

**94-153-A** (410) 887-3353

November 2, 1993

Mr. and Mrs. Peter P. Golaboski  
9117 Cuckold Point Road  
Baltimore, Maryland 21219

RE: Case No. 94-153-A, Item No. 149  
Petitioner: Peter P. Golaboski, et al  
Petition for Variance

Dear Mr. and Mrs. Golaboski:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 30, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**Maryland Department of Transportation**  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: **BACTINCKE COUNTY**  
Item No: **# 149 (RT)**

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2256 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**BALTIMORE COUNTY, MARYLAND**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

October 19, 1993

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

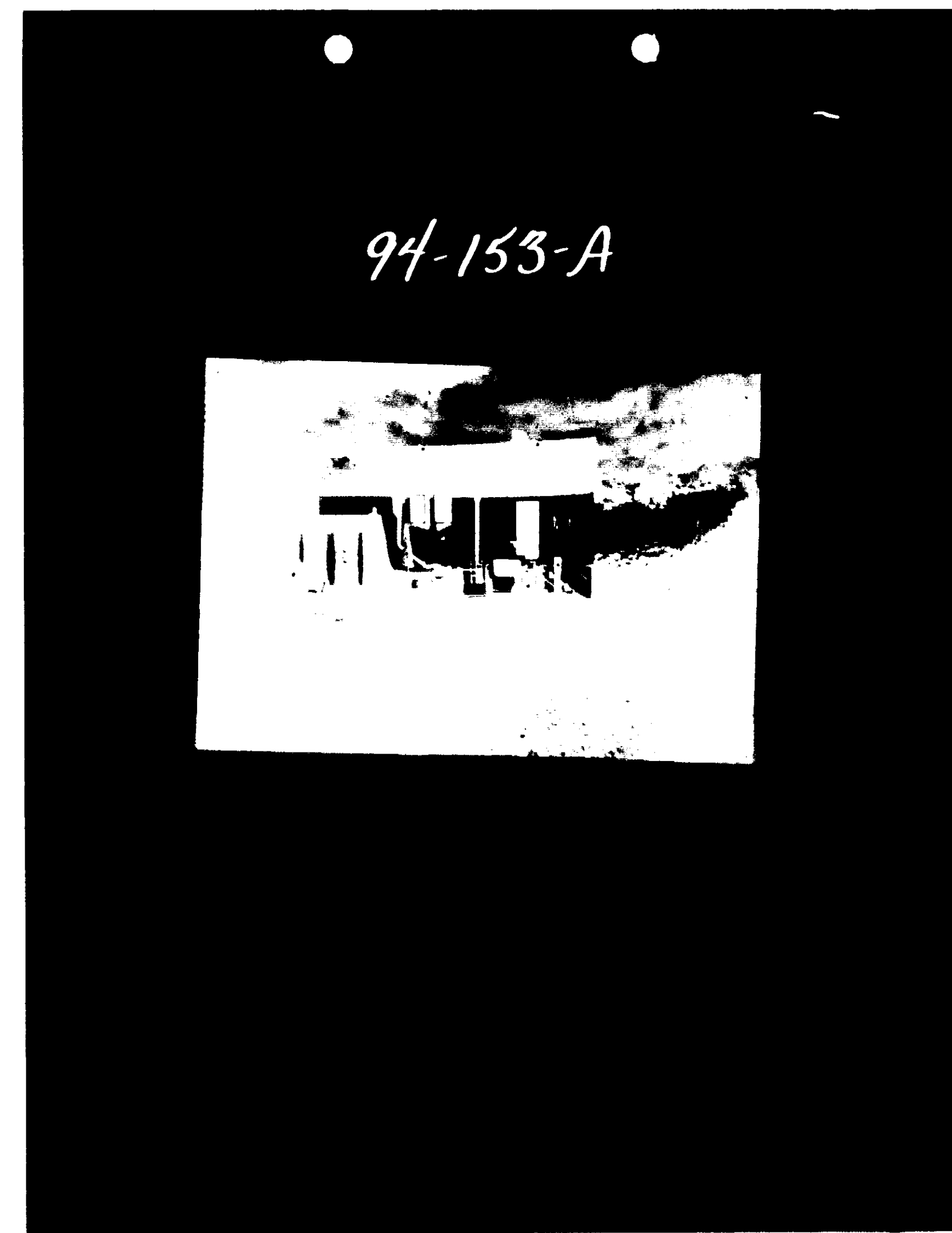
FROM: J. Lawrence Pilson, DEPRM  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #149 - Golaboski Property  
9121 Cuckold Point Road  
Zoning Advisory Committee Meeting of October 12, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

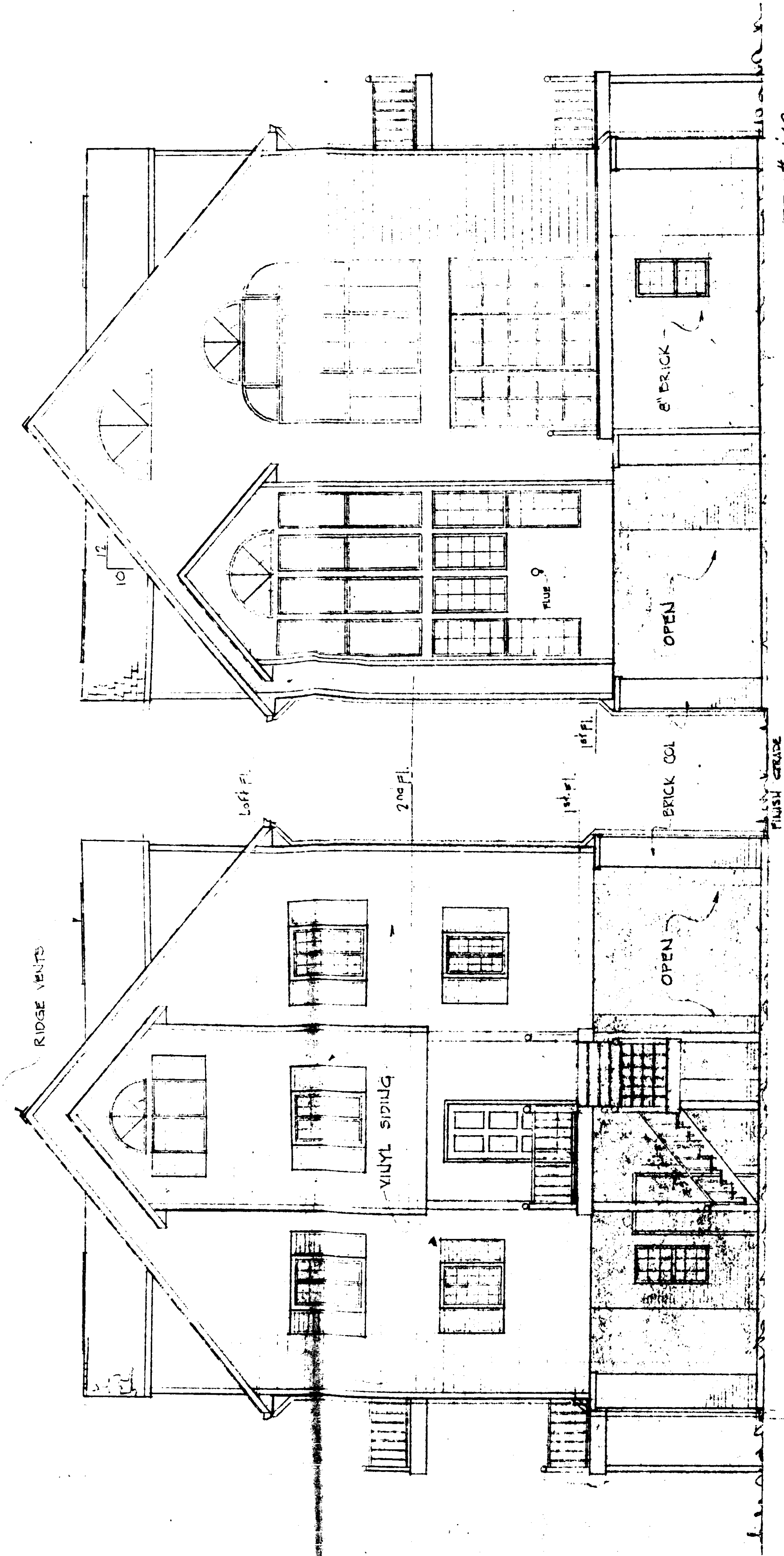
The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Section at 887-3980 for details.

JLP:NP:sp  
GOLABOSKI/DEPRM/1XISBP



- LIST OF DRAWINGS  
 A1 FRONT & REAR ELEV.  
 A2 1ST & 2ND FLOOR PLANS  
 A3 FOUNDATION PLAN  
 A4 LOFT PLAN, LEFT & RIGHT ELEV.  
 A5 SECTION  
 A6 FRAMING PLAN & WINDOW SCH.

94-153-A



NOTE: LEAD ALL DISEPTS TO FRENCH DRAINS

REAR ELEVATION  
(FACING STREET)

FRONT ELEVATION  
(FACING WATER)

ITEM # 149

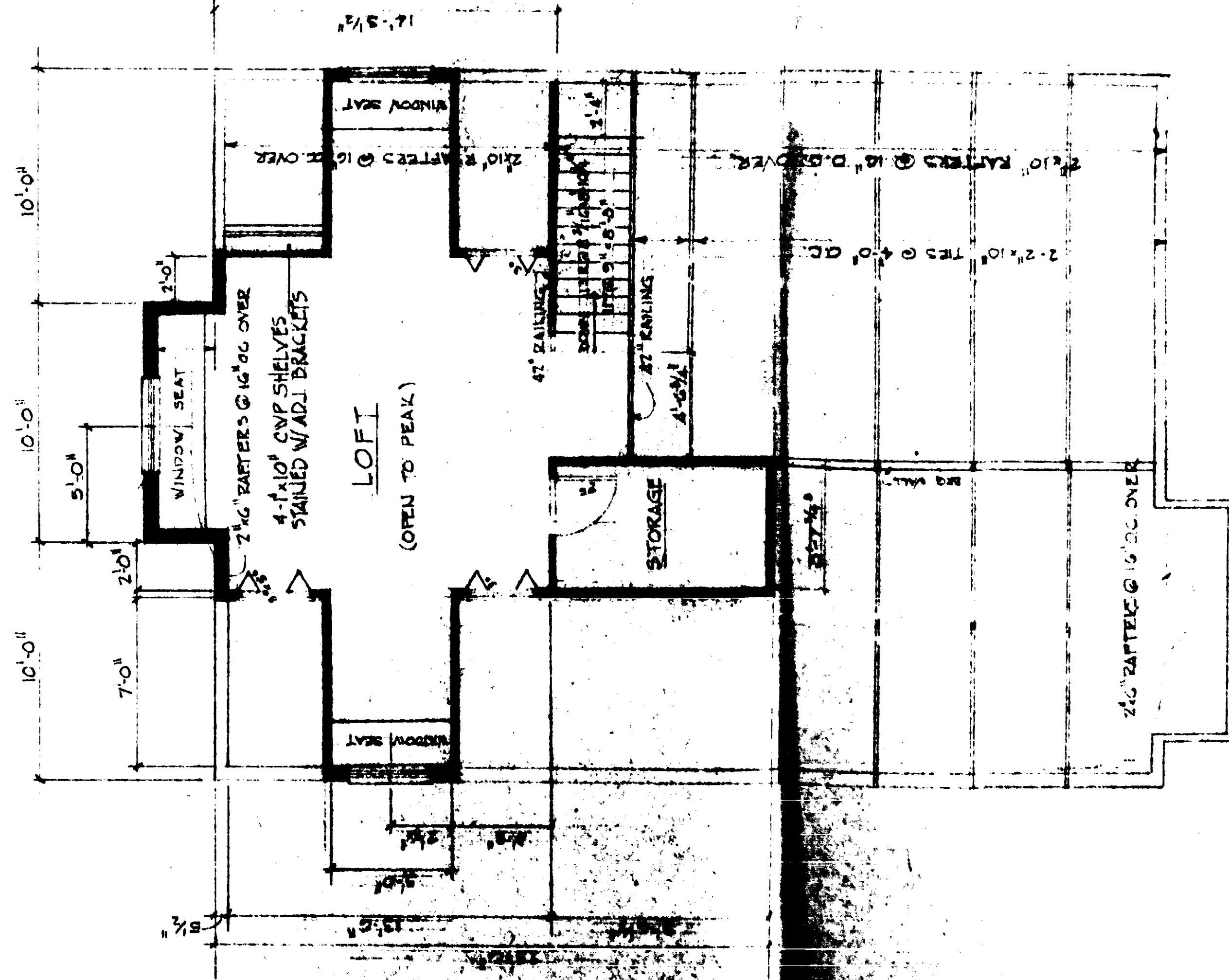
PROPOSED RESIDENCE  
 WAYNE & LYNN KIMMEL

DATE: MAY 23, 1993

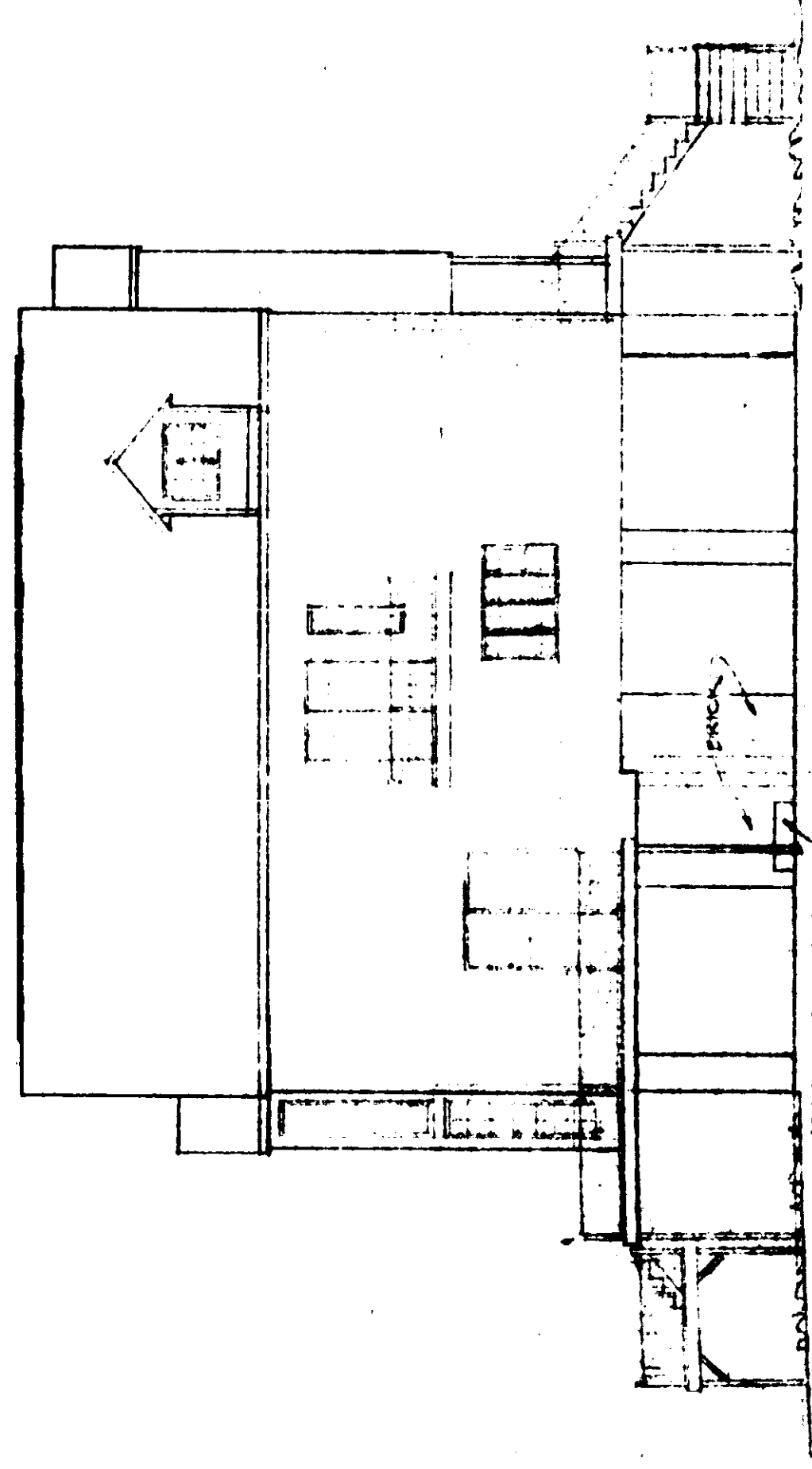
SCALE: 1/4" = 1'-0"

AI

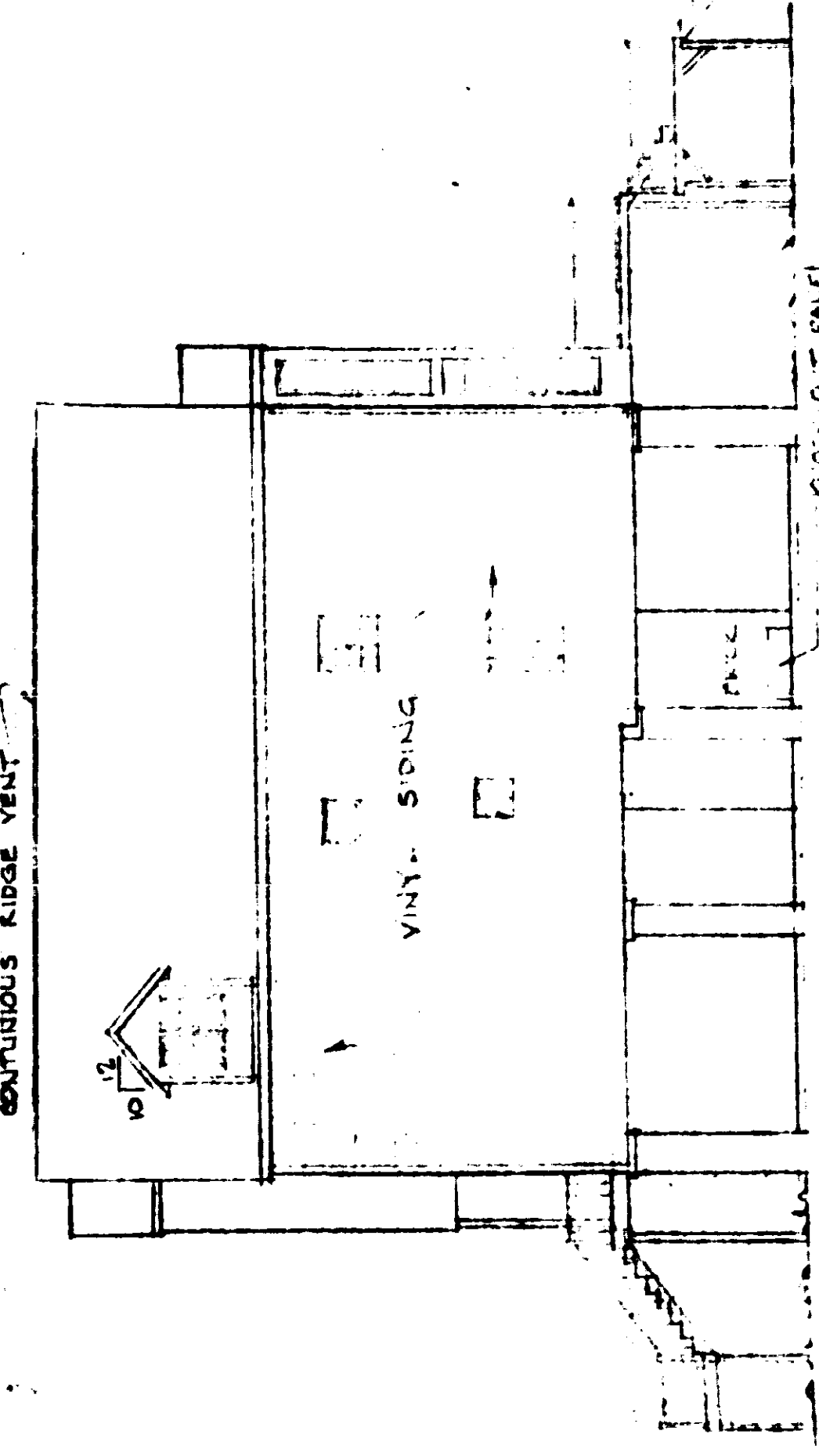
PREPARED EXCLUSIVELY FOR MR. & MRS. WAYNE KIMMEL BY A.E.C. INC. 2025 SPARKS POINT RD. BALD, MD 21012 M.H.C. 20577



LOFT PLAN  
1/4" = 1'-0"



RIGHT SIDE ELEV  
1/8" = 1'-0"



LEFT SIDE ELEV  
1/8" = 1'-0"

ITEM # 149

PROPOSED RESIDENCE  
 WAYNE & LYNN KIMMEL

DATE: MAY 23, 1993

SCALE: AS NOTED

AI